

# PATENT COOPERATION TREATY

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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MAY 13 2004

PCT

WRITTEN OPINION

BY: .....

(PCT Rule 66)

Date of Mailing  
(day/month/year)

12 MAY 2004

Applicant's or agent's file reference

2870-001 <sup>PCT</sup> ~~CH~~

REPLY DUE

within 2 months/days from  
the above date of mailing

International application No.

PCT/US03/21190

International filing date (day/month/year)

07 July 2003 (07.07.2003)

Priority date (day/month/year)

05 July 2002 (05.07.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04L 12/28, 12/56, 12/66; H04J 3/16, 3/22 and US Cl.: 370/254, 352, 401, 402, 421, 465, 466, 467, 469; 709/218, 220, 221, 225, 230, 237, 249, 250, 253

Applicant

I2TELECOM INTERNATIONAL, INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

**When?** See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.  
For an informal communication with the examiner, see Rule 66.6

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 05 November 2004 (05.11.2004).

Name and mailing address of the IPEA/US

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2870-001/PCT  
DOCKETED

5/13/04

Repts to Written Opinion due

7/14/04

WRITTEN OPINION

International Application No.

PCT/US03/21190

I. Basis of the opinion

1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages 1-14, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
 pages 15-22, as originally filed  
 pages NONE, as amended (together with any statement) under Article 19  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
 pages 1-10, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
 pages NONE, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
 These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

**WRITTEN OPINION**

International application No.  
PCT/US03/21190

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. STATEMENT**

Novelty (N)	Claims <u>1-36, 43</u>	YES
	Claims <u>37-42</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-43</u>	NO
Industrial Applicability (IA)	Claims <u>1-43</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 37-41 lack novelty under PCT Article 33(2) as being anticipated by Waldman (5,402,481). Waldman discloses the method of directing a call in a packet switched telecommunication system including the step of receiving a dialing code from a calling device; determining the network of a receiving device from the dialing code; selecting a telecommunication protocol based on the network of the receiving device (see col. 23 lines 45 to col. 24 line 18); and connecting the calling device to the receiving device using the selected telecommunication protocol as in claims 37-41 (see col. 24 lines 18-34 and col. 18 lines 9-17).

Claim 42 lacks novelty under PCT Article 33(2) as being anticipated by Dowling (20020052965). Dowling discloses the communication system comprising a service provider gateway in communication with a first telephony gateway and a second telephony gateway as in claim 43 (see paragraphs 21, 43, and 94).

Claims 1-36 and 43 lack an inventive step under PCT Article 33(3) as being obvious over Bhatia et al. (6,118,768) in view of Oliver (6,256,778). Bhatia et al. disclose the microprocessor linked to a flash memory (see col. 6 lines 49-59) wherein the flash memory comprises a first telecommunication protocol expressed as a first template comprising one or more virtual machine instructions (see co. 6 line 49 to col. 7 line 28); the microprocessor comprises CPU linked to a random access memory and a firmware adapted to operate a virtual machine (see col. 14 lines 25-58) and wherein the CPU is adapted to direct the virtual machine to read the first template of virtual machine instruction from the flash memory; store a current first template virtual machine instruction in the RM; receive first template state data; and execute the current first template virtual machine instruction using the first template state data (see col. 27 line 66 to col. 28 line 36, see also col. 4 lines 45-51). Oliver discloses the telecommunication protocol engine as in claims 1, 14, and the telephony gateway as in claim 24(see col. 3 lines 45-58).

----- NEW CITATIONS -----  
NONE

WRITTEN OPINION

International application No.  
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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.